





MEMORANDUM

MONROE COUNTY PLANNING & ENVIRONMENTAL RESOURCES DEPARTMENT

We strive to be caring, professional and fair

To: The Monroe County Planning Commission

From: Joseph Haberman, Principal Planner 
Janis Vaseris, Biologist

Through: Townsley Schwab, Senior Director of Planning & Environmental Resources 

Date: July 9, 2009

Subject: *Request for an Amendment to a Major Conditional Use Permit for a Campground Facility, to be located at 31875 Overseas Highway (US 1), Big Pine Key, Mile Marker 32, Real Estate No. 00110730.000000*

Meeting: July 22, 2009

I REQUEST:

The applicant is requesting approval of an amendment to a major conditional use permit in order to redevelop the property with ten (10) campground/recreational vehicle (RV) spaces, one (1) single-family dwelling unit and associated improvements.



Subject Property (outlined in blue) (2006)

Note: In the application submitted on April 15, 2009, the applicant initially requested approval of a total of 15 campground/RV spaces. The application was advertised accordingly for the Development Review Committee (DRC) meeting on June 9, 2009. Following the discussion of the application at the DRC meeting, the applicant reduced the request to a total of 10 campground/RV spaces. On June 19, 2009, the applicant submitted a revised site plan showing 10 campground/RV spaces (however dated October 8, 2008).

Location:

Address: 31875 Overseas Highway (US 1), Big Pine Key, mile marker 32 (gulf side)

Legal Description: Part of Government Lot 4, Section 25, Township 66 South, Range 29 East, Big Pine Key, and adjacent bay bottom

Real Estate (RE) Number: 00110730.000000

Applicant:

Owner: Leo F. and James A. Winterling

Agent: David DeHaas

II RELEVANT PRIOR COUNTY ACTIONS:

Pursuant to Ordinance Numbers 029-2004 and 030-2004, approved by the BOCC on August 18, 2004, the future land use map designation of the subject parcels was changed from Mixed Use / Commercial (MC) to Residential Low (RL) and the land use district of the subject parcels was changed from Destination Resort (DR) to Suburban Residential (SR). The map amendments were carried out in order to fulfill Action Item 2.1.3 of the Master Plan for Future Development of Big Pine Key and No Name Key.

On October 27, 2006, a letter of understanding from Aref Joulani, Senior Director of Planning & Environmental Resources, was sent to Franklin D. Greenman, agent for the property owners, stating how a similar redevelopment proposal could remain in compliance with the Monroe County Code. Although the 2006 proposal is slightly different than that proposed in this application, the letter provided a determination as to the amount of lawfully-established residential units on the property which is pertinent to this application.

III BACKGROUND INFORMATION:

- A. Size of Site: 3.48 acres (upland) per Project Information Sheet and 3.82 acres (upland) and 1.51 acres (submerged land) per Property Record Card
- B. Land Use District: Suburban Residential (SR)
- C. Future Land Use Map (FLUM) Designation: Residential Low (RL)
- D. Tier Designation: Tier I
- E. Flood Zone: part AE – EL 8, part AE – EL 9 & part VE – EL 11
- F. Existing Use: Single-family residential (formerly single-family residential and campground)
- G. Existing Vegetation / Habitat: Predominately scarified with several areas of vegetation
- H. Community Character of Immediate Vicinity: Residential and Conservation

1
2 IV REVIEW OF APPLICATION:
3

4 MCC §110-67 provides the standards which are applicable to all conditional uses. When
5 considering applications for a conditional use permit, the Planning Commission shall
6 consider the extent to which:
7

8 A. *The conditional use is consistent with the purposes, goals, objectives and standards of the*
9 *comprehensive plan and the land development regulations:*
10

11 The proposed use (revised to 10 campground/RV spaces) is consistent with all the
12 purposes, goals, objectives and standards of the comprehensive plan and the land
13 development regulations.
14

15 Policies from the Monroe County Year 2010 Comprehensive Plan that directly pertain to
16 the proposed use include:
17

18 *Policy 101.4.2:* The principal purpose of the RL land use category is to provide
19 for low-density residential development in partially developed areas with
20 substantial native vegetation. Low intensity public and low intensity institutional
21 uses are also allowed. In addition, Monroe County shall adopt Land Development
22 Regulations which allow any other nonresidential use that was listed as a
23 permitted use in the Land Development Regulations that were in effect
24 immediately prior to the institution of the 2010 Comprehensive Plan, and that
25 lawfully existed on such lands on January 4, 1996 to develop, redevelop,
26 reestablish and/or substantially improve provided that the use is limited in
27 intensity, floor area, density and to the type of use that existed on January 4, 1996
28 or limit to what the pre-2010 LDR's allowed, whichever is more restricted.
29

30 The single-family residence is consistent with Policy 101.4.2; however
31 campgrounds or transient uses, unless classified as public or low-intensity
32 institutional, are not described as a permitted use in the principal purpose of the
33 RL land use category. In any event, Policy 101.4.2 allows redevelopment of any
34 other nonresidential use limited to intensity, floor area, density and to the type of
35 use as that existed prior to its redevelopment. As stated in the letter of
36 understanding from 2006, staff determined that a 10-space campground was
37 lawfully-established on the property and records indicate that it was in existence
38 in 1996. Therefore, the applicant can redevelop and reestablish the 10-unit
39 campground; however an expansion to a 15-unit campground, as initially
40 proposed, would have been an increase in density, which could be interpreted as
41 prohibited development.
42

43 It is important to note that in the letter of understanding from 2006, the then
44 Director of Planning & Environmental Resources stated that single-family
45 detached dwellings and campground uses are consistent with the designation of

1 Residential Low (RL) despite any language concerning campgrounds being
2 contained in the policy.
3

4 Action Items from the Master Plan for Future Development of Big Pine Key and No
5 Name Key that directly pertain to the proposed use include:
6

7 *Action Item 2.1.3:* Adopt the following parcel-specific revisions to the FLUM and
8 Land Use District Map. These revisions are either required actions pursuant to
9 the Comprehensive Plan or needed to facilitate the implementation of this Master
10 Plan (see Figure 2.2)...2. Change the designation of acreage identified as real
11 estate parcel numbers: 00110460.000000; 00110540.000000; 00110640.000000;
12 00110720.000000; 00110720.000100; 00110730.000000; 00110740.000000;
13 00110750.000000; 00111020.000000; 00111020.000010; 00111020.000020;
14 00111020.000030; and 00111020.000040 on Big Pine Key from Mixed
15 Use/Commercial (MC) to Residential Low (RL) on the FLUM and from
16 Destination Resort (DR) to Suburban Residential (SR) on the land use district
17 map. This proposed change will reduce the intensity of the existing land use
18 district and bring it into conformity with the current use and surrounding
19 community. Additionally it will protect existing sensitive habitat.
20

21 *Action Item 2.2.2:* Use the following “H unit budget” table (Table 2.3), based on
22 the final preferred development scenario modeled in the HCP, as a guideline for
23 the approximate amount of H that should be anticipated for planned development
24 over the 20-year horizon.
25

26 Any expansion, if approved, shall be subject to the Habitat Conservation Plan.
27

28 *Action Item 3.1.2:* Do not consider the replacement of existing, legally established
29 residential units as of the date this plan as new development nor shall on-site
30 replacement be considered to have any H impact.
31

32 *Action Item 3.1.4:* Allow residential units of any type listed in the applicable
33 FLUM categories and land use districts with the exception that new transient
34 residential units shall be prohibited.
35

36 B. *The conditional use is consistent with the community character of the immediate vicinity:*
37

38 A single-family residence and campground would be compatible with neighboring
39 properties, an area which is composed of conservation and residential uses. Furthermore,
40 the property is relatively isolated with the exception of a single, developed residential
41 property across the canal to the north. Therefore, the proposed development would be
42 consistent with the community character of the immediate vicinity.
43

44 C. *The design of the proposed development minimizes adverse effects, including visual*
45 *impacts, on adjacent properties:*
46

1 Similar design guidelines and materials are proposed for all of the proposed structures,
2 which will make the site cohesive. In addition, as part of the redevelopment, trees and
3 other landscaping elements shall be introduced to the site. Therefore, the proposed
4 development minimizes adverse effects, including visual impacts, on adjacent properties.
5

6 D. *The proposed use will have an adverse impact on the value of surrounding properties:*
7

8 Staff has no evidence indicating that the proposed redevelopment will have an adverse
9 impact on the value of the surrounding properties.
10

11 E. *The adequacy of public facilities and services:*
12

13 1. Roads:
14

15 *Localized Impacts & Access Management:* Access to and from the development shall
16 be approved by the county's traffic consultant and the Florida Department of
17 Transportation (FDOT).
18

19 *Level of Service (LOS):* A traffic evaluation shall be approved by the county's traffic
20 consultant.
21

22 2. Stormwater: The applicant shall coordinate with the Public Works Division, and, if
23 necessary, the South Florida Water Management District (SFWMD) to determine
24 compliance with all applicable regulations (See section I-9).
25

26 3. Sewer: The applicant shall coordinate with the Florida Department of Health, Florida
27 Department of Environmental Protection and Florida Keys Aqueduct Authority to
28 determine compliance with all applicable regulations (See section I-10, Wastewater
29 Treatment Criteria).
30

31 4. Emergency Management: The applicant shall coordinate with the Office of the Fire
32 Marshal to determine compliance with the Florida Fire Prevention Code, the Florida
33 Building Code, the National Fire Protection Code (NFPA 1) and the Life Safety Code
34 (NFPA 101). Fire Rescue Captain, Steven Zavalney, reviewed the project and
35 provided a letter of coordination, dated February 16, 2009, which provided the
36 requirements for the Office's approval of the project.
37

38 F. *The applicant has the financial and technical capacity to complete the development as
39 proposed:*
40

41 Staff has no evidence to support or disprove the applicant's financial and technical
42 capacity.
43

44 G. *The development will adversely affect a known archaeological, historical or cultural
45 resource:*

1 The proposed redevelopment will not adversely affect a known archaeological, historical
2 or cultural resource.

3
4 H. *Public access to public beaches and other waterfront areas is preserved as part of the*
5 *proposed development:*
6

7 Public access means the ability of the public to physically reach, enter or use beaches and
8 shores. The property has access to the channel to the east. The site has dockage;
9 however, the property and the dock are and shall remain under private ownership. The
10 public will continue to have limited access to the waterfront area as visitors of the
11 campground. Therefore, the proposed redevelopment will not have an adverse impact on
12 public access to a waterfront area.
13

14 I. *The project complies with all additional standards imposed on it by the Land*
15 *Development Regulations:*
16

17 1. Residential Rate of Growth Ordinance (ROGO) (§138-19 – §138-28): *In compliance.*
18

19 As stated in the letter of understanding from 2006, staff determined that one (1)
20 single-family residence, considered a permanent residential dwelling unit, and 10
21 campground spaces, considered transient residential units, are lawfully-established on
22 the property. The continuance of the single-family residence and the replacement of
23 the 10 campground spaces with 10 campground/RV spaces would be in compliance
24 with the ROGO.
25

26 2. Non-Residential Rate of Growth Ordinance (NROGO) (§138-47 – §138-56): *Not*
27 *applicable.*
28

29 Non-residential floor area is not proposed. As a note, one (1) bathhouse, 10 tiki huts
30 and three (3) chickee huts are proposed. However, this floor area would serve as
31 accessory floor area to the principal campground use. Non-residential floor area is
32 not space occupied by transient residential principal uses.
33

34 3. Purpose of the SR District (§130-44): *In compliance.*
35

36 The purpose is to establish areas of low to medium density residential uses
37 characterized principally by single-family detached dwellings. This district is
38 predominated by development; however, natural and developed open space create an
39 environment defined by plants, spaces and over-water views.
40

41 4. Permitted Uses (§130-94): *In compliance following the receipt of required*
42 *conditional use permit.*
43

44 There is an existing single-family residence that would remain. Detached residential
45 dwellings may be permitted as-of-right
46

The applicant is proposing a campground, composed of 10 campground/RV spaces, an accessory bathhouse, accessory tiki huts and an accessory pool. Campgrounds may be permitted with a major conditional use permit, provided that: a) the parcel proposed for development has an area of at least five acres; b) the operator of the campground is the holder of a valid Monroe County occupational license; c) if the use involves the sale of goods and services, other than the rental of camping sites or RV parking spaces, such use does not exceed 1,000 ft² and is designed to serve the needs of the campground; and d) the parcel proposed for development is separated from all adjacent parcels of land by at least a class "C" buffer-yard.

Concerning the proposed development, the parcel consists of 5.33 total acres according to the Property Record Card, the operator shall be required to hold a valid Monroe County occupational license, the proposed development would not involve the sale of goods and services other than the rental of camping sites or RV parking spaces and the parcel shall be required to maintain at least a class "C" buffer-yard along all adjacent parcels of land.

5. Residential Density and Maximum Floor Area Ratio (§130-157, §130-162 & §130-164): *In compliance.*

Land Use	Allocated Density	Size of Site (upland)	Max Allowed	Proposed	Potential Used
Single-Family Residence (Permanent Residential)	1 unit / 0.5 acres	3.48 acres	1.74 units	1 unit	57.5 %
Campground/RV space Transient Residential	5 units /acre	3.48 acres	17.4 spaces	10 units	57.5 %
Total					115 %

The proposed residential density is not permitted under the allocated density provisions of the Land Development Code. However, Ordinance 073-2007, adopted by the BOCC on November 14, 2007 and recently approved by the Florida Department of Community Affairs on June 15, 2009, amended the Land Development Code to consider transient residential units legally established before January 4, 1996 to be conforming to density in order to permit replacement, redevelopment and substantial improvement. Ten campground spaces were lawfully in existence in 1996; therefore the proposed density of 10 transient residential units is conforming. The Land Development Code already protects the density of legally established permanent residential units, which would include the single-family residence.

As a note, the proposed density would be in compliance with the maximum net density provisions:

Land Use	Max Net Density	Size of Site (upland)	Max Allowed	Proposed	Potential Used
Single-Family Residence (Permanent Residential)	5 units / buildable acre	3.48 acres (1.74 buildable acres)	8.7 units	1 unit	11.5 %
Campground/RV space Transient Residential	10 units / buildable acre	3.48 acres (1.74 buildable acres)	17.4 spaces	10 units	57.5 %
Total					69 %

6. Required Open Space (§118-9, §118-12, §130-157, §130-162 & §130-164): *In compliance.*

There is a required open space ratio of 0.50 or 50 percent. In total, the property consists of approximately 3.48 acres of upland area. Therefore, at least 1.74 acres or 75,794 ft² of the total land area must remain open space. The Project Information Sheet indicates that there would be 128,875 ft² of pervious area.

7. Minimum Yards (§118-12 & §130-186): *In compliance.*

The required non-shoreline setbacks in the SR District are as follows: Front yard – 25 feet; Rear yard – 10 feet; and Side yard – 10/15 feet. In addition, this site does include an altered open water shoreline that is adjacent to a manmade channel. This will require a shoreline setback of 20 feet from the mean high water line. On the Proposed Site Plan, no development is within the required setbacks.

8. Maximum Height (§130-187): *Compliance to be determined upon submittal to Building Department.*

Elevations indicate that the building height of the proposed bathhouse would be 13 ft., 3.5 in. and the height of the proposed tiki huts would be 13 ft., 8 in. The elevation of the existing single-family residence and proposed chickee huts were not provided.

9. Surface Water Management Criteria (§114-3): *Compliance to be determined by the Public Works Division and/or SFWMD prior to issuance of a building permit.*

A stormwater management plan was provided. Kevin Wilson of the Public Works Division provided a memorandum dated June 5, 2009 stating that the plans conceptually meet the requirements of the Monroe County Code and that the stormwater plan will be formally reviewed as part of a building permit application.

10. Wastewater Treatment Criteria (§114-5): *Compliance to be determined by Florida Department of Health, Florida Department of Environmental Protection and/or Florida Keys Aqueduct Authority prior to the issuance of a building permit.*

No letter of coordination relating to wastewater treatment has been provided.

1
2 11. Fencing (§114-20): *Compliance to be determined upon submittal to Building*
3 *Department.*
4

5 The applicant submitted a fence plan; however it provided inadequate information to
6 determine compliance with the fencing regulations and the Master Plan for Future
7 Development of Big Pine Key and No Name Key. Therefore, the proposed fencing is
8 not being reviewed as part of this application. If the applicant intends to construct
9 new fencing, it shall be reviewed independently for compliance under a building
10 permit application.
11

12 12. Floodplain Management (§122-1 – §122-6): *Compliance to be determined upon*
13 *submittal to Building Department.*
14

15 The site is designated partially within AE – EL 8, AE – EL 9 and VE – EL 11 flood
16 zones on the Federal Emergency Management Agency (FEMA)'s flood insurance rate
17 maps. All new structures must be built to floodplain management standards that meet
18 those for flood protection.
19

20 13. Energy Conservation Standards (§114-45): *Compliance to be determined upon*
21 *submittal to Building Department.*
22

23 The development proposal includes the installation of native plants, trees and other
24 vegetation, which will reduce the requirements for water and maintenance; the
25 installation of several shade trees, which will provide shade for parking areas and the
26 provision of structural shading.
27

28 14. Potable Water Conservation Standards (§114-46): *Compliance to be determined*
29 *upon submittal to Building Department.*
30

31 No letter of coordination relating to potable water has been provided.
32

33 15. Environmental Design Criteria and Mitigation Standards (§118-6, §118-7 & §118-8):
34 *Compliance to be determined by Biologist prior to issuance of a resolution by the*
35 *Planning Commission.*
36

37 16. Required Parking (§9.5-114-67): *In compliance.*
38

39 Per the letter of understanding from 2006, the following off-street parking
40 requirements apply: the single-family dwelling unit shall require two (2) parking
41 spaces and although not identified as a specific use category, the campground spaces
42 shall require one (1) parking space per campsite (a requirement consistent with other
43 transient uses).
44

According to the Proposed Site Plan, the residence would have two (2) off-street parking spaces and each of the campground/RV spaces would have enough space in front of the concrete pad for at least one (1) vehicle.

17. Required Loading and Unloading Spaces (§114-69): *In compliance.*

18. Required Landscaping (§114-99 – §114-105): *Compliance to be determined by Biologist prior to the issuance of a resolution by the Planning Commission.*

Since the parking area is to contain six (6) or more spaces, a class “C” landscaping standard is required. A class “C” landscaping standard is not labeled or otherwise shown on the landscaping plan.

19. Required Bufferyards (§114-124 – §114-130): *In compliance.*

A class “E” major street bufferyard is required along the property line adjacent to US 1. A class “E” bufferyard with a width of 50 feet is shown on the landscaping plan.

Class “C” bufferyards, pursuant to MCC §130-94, are required along the southern and northern property lines. Class “C” bufferyards, the northern with a width of 20 feet and the southern with a width of 10 feet, are shown on the landscaping plan.

As a note, a class “A” land use district bufferyard would be required along the southern property line (the adjacent properties are designated as Native Area (NA)). However, pursuant to MCC §130-94, the parcel shall be required to maintain at least a class “C” buffer-yard along all adjacent parcels of land.

20. Outdoor Lighting (§114-159 – §114-163): *Compliance to be determined upon submittal to Building Department.*

The applicant submitted an outdoor lighting plan; however it provided inadequate information to determine compliance with the regulations. Therefore, the proposed outdoor lighting is not being reviewed as part of this application. It shall be reviewed independently for compliance as an accessory use under a building permit application.

21. Signs (§142-1 – §142-7): *Compliance to be determined upon submittal to Building Department.*

22. Access Standards (§114-195 – §114-201): *Compliance to be determined prior to the issuance of a resolution by the Planning Commission.*

Access to and from the development would be from a shared entry drive on US 1. As of the date of this report, the county’s traffic consultant has not provided any comments regarding the access management.

1 A formal traffic study or traffic impact analysis, which is a requirement for a
2 conditional use permit application, was not submitted. However, the county's traffic
3 consultant, Raj Shanmugam of URS Corporation, reviewed the informal traffic study
4 provided in the application and issued a letter dated June 3, 2009 stating that the
5 traffic information presented is inadequate to reach a conclusion concerning the
6 traffic concurrency requirements.

7
8 Site triangles are shown on the site plan; however vehicle maneuverability is not
9 clearly indicated.

10
11 23. Chapter 533, Florida Statutes: *Compliance to be determined upon submittal to*
12 *Building Department.*

13
14 Other Issues:

- 15
16 1. The proposed development is subject to all rules and regulations set forth in the
17 Habitat Conservation Plan (HCP) and the Federal Incidental Take Permit (ITP)
18 #TE083411-0 for Big Pine Key.

19
20 These intricate regulatory documents, as well as the Master Plan for Future
21 Development of Big Pine Key and No Name Key, hold as a key tenet the survival of
22 the Florida Key Deer, as an umbrella species, through the maintenance of the herd
23 above quasi-extinction population levels. This is accomplished through the strict
24 monitoring of impact through the assigned master variable "H". The master variable
25 represents both direct habitat loss and indirect human-related effects on Key deer.

26
27 The proposed development covers two (2) real estate numbers. RE 00110730.000000
28 has an "H" value of 0.0215. RE 00110740.000000 has an "H" value of 0.0014. The
29 parcels were combined in 2008 for assessment purposes. The combined "H" value
30 for the property is 0.0229 "H".

31
32 V RECOMMENDED ACTION:

33
34 Staff recommends **approval** to the Planning Commission with the following conditions:

- 35
36 A. Prior to the issuance of a resolution by the Planning Commission, new full-size plans
37 shall be submitted showing revision dates.
38
39 B. Prior to the issuance of a resolution by the Planning Commission, the landscaping
40 plan shall be revised to clearly reflect the required landscaping. Specifically, the
41 applicant shall modify the plan to show and label a class "C" landscaping standard
42 since the parking area is to contain six (6) or more spaces.
43
44 C. Prior to the issuance of a resolution by the Planning Commission, the applicant shall
45 submit a traffic study or letter, prepared and signed by a licensed traffic engineer,
46 stating the projected trip generation. Following its submittal, the county's traffic

consultant must approve its findings to determine whether or not the level of service along US 1 could support the additional development.

- D. Prior to the issuance of a resolution by the Planning Commission, the applicant shall submit a letter of coordination from the United States Fish and Wildlife Service stating that proposed redevelopment would be permitted under the provisions and regulations of Habitat Conservation Plan for Big Pine and No Name Keys and the Federal Incidental Take Permit #TE083411-0.
- E. Prior to the issuance of a building permit, the applicant shall receive all required permits and approvals from the United States Army Corps of Engineers, Florida Department of Environmental Protection, South Florida Water Management District, Florida Department of Health and the Florida Department of Transportation.
- F. Prior to the issuance of a building permit, the proposed development and structures shall be found in compliance by the Monroe County Building Department, the Monroe County Floodplain Administrator and the Monroe County Office of the Fire Marshal.
- G. The bathhouse, tiki huts and chickee huts shall only serve as accessory floor area to the principal campground use and may only be for exclusive use of the occupants of the campground/RV spaces. Its floor area may not be transferred off-site or converted into non-residential floor area without additional permit approvals.
- H. The operator of the campground shall be a holder of a valid Monroe County occupational license. This license must be obtained prior to the campground's opening to any visitors.
- I. A pump-out system for the recreational vehicles' sewage holding tanks shall be installed and maintained.

VI PLANS REVIEWED:

- A. Project Information Sheet (G-3) by Keys Engineering Services, Inc. and DeHaas Consulting & Design, dated October 8, 2008 and revised June 5, 2009;
- B. Existing Site Plan (C-1) by Keys Engineering Services, Inc. and DeHaas Consulting & Design, dated October 8, 2008;
- C. Proposed Site Plan (C-2) by Keys Engineering Services, Inc. and DeHaas Consulting & Design, dated October 8, 2008;
- D. Landscaping Plan (C-3) by Keys Engineering Services, Inc. and DeHaas Consulting & Design, dated October 8, 2008;
- E. Pedestrian Plan (C-4) by Keys Engineering Services, Inc. and DeHaas Consulting & Design, dated December 22, 2008;
- F. Conceptual Drainage Plan (C-5) by Keys Engineering Services, Inc. and DeHaas Consulting & Design, dated December 22, 2008;
- G. Boundary Survey by John Paul Grimes dated November 8, 2002